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BY ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *Students Against Antisemitism, Inc., et al. v. The Trustees of Columbia University in the City of New York and Barnard College*, Case No. 1:24-cv-01306-VSB-SN

Dear Judge Broderick:

We write on behalf of Defendant Barnard College (“Barnard” or the “College”) in response to Plaintiffs’ two letters dated December 24, 2024 (ECF Nos. 85, 86), the amicus curiae brief filed by Zachor Legal Institute (“Zachor”) on December 30, 2024 (ECF No. 89), and to notify the Court of two recent decisions relevant to Barnard’s pending motion to dismiss.

Plaintiffs’ first letter notifies the Court of a recent district court decision in *Canaan v. Carnegie Mellon University*, Case No. 2:23-cv-02107-WSH (W.D. Pa. Dec. 17, 2024), denying a university’s motion to dismiss Title VI and breach of contract claims. (See ECF No. 85-1.) That case involves allegations of a yearlong “campaign of antisemitic abuse” and retaliation targeting a single student. (ECF No. 85-1 at 1, 5-12, 18-19, 27-31.) Plaintiffs here, by contrast, attempt to challenge the sufficiency of Barnard’s efforts to respond to extraordinary events on campus (ECF No. 65 at 18-33; ECF No. 75 at 3-11), including some over which Barnard had no control or even knowledge (ECF No. 65 at 19-21; ECF No. 75 at 4-6).

Plaintiffs’ second letter notifies the Court of a December 18, 2024 report (the “Report”) published by the U.S. House of Representatives entitled “Staff Report on Antisemitism.” (See ECF No. 86-1.) That Report largely summarizes findings from an October 31, 2024 congressional committee report, excerpts of which Plaintiffs submitted to the Court on November 14, 2024. (See ECF No. 80.) Zachor’s amicus curiae brief also “outline[s] ... some of the details” of the October 31, 2024 report. (ECF No. 89 at 6.) As Barnard explained in its November 25, 2024 letter, these congressional reports are irrelevant to Barnard’s pending Rule 12(b)(6) motion and support the College’s pending

Rule 12(b)(1) motion by confirming that Plaintiffs do not face a “certainly impending” future injury given Barnard’s extensive efforts to address and prevent antisemitic discrimination and harassment. (ECF No. 82.)

We also write to notify the Court of two recent district court decisions relevant to Barnard’s pending motion to dismiss. In the first, Judge Mitchell S. Goldberg of the Eastern District of Pennsylvania granted the University of Pennsylvania’s motion to stay discovery in *Yakoby v. Trustees of the University of Pennsylvania*, Case No. 2:23-cv-04789 (E.D. Pa. Jan. 3, 2025), pending decision on the university’s motion to dismiss claims similar to those brought here by Plaintiffs. (**Exhibit A.**) In the second, *Landau v. Corporation of Haverford College*, Case No. 2:24-cv-02044 (E.D. Pa. Jan. 6, 2025), Judge Gerald A. McHugh of the Eastern District of Pennsylvania granted Haverford College’s motion to dismiss Title VI and breach-of-contract claims similar to those brought by Plaintiffs here. (**Exhibit B.**)

Sincerely,

/s/ Anton Metlitsky

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